



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,394	01/23/2006	Masanari Kobayashi	NS-US055263	2050

22919 7590 07/14/2008
GLOBAL IP COUNSELORS, LLP
1233 20TH STREET, NW, SUITE 700
WASHINGTON, DC 20036-2680

EXAMINER

PHAN, HAU VAN

ART UNIT	PAPER NUMBER
----------	--------------

3618

MAIL DATE	DELIVERY MODE
-----------	---------------

07/14/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/565,394	Applicant(s) KOBAYASHI ET AL.	
	Examiner Hau V. Phan	Art Unit 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-4,6-8,10-12,14-16 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,3,6-8,10-12,14-16,21 and 22 is/are allowed.
- 6) ☒ Claim(s) 4,18-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgment

1. The request for continue examination filed on 5/27/2008 has been considered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 4 and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Hamada et al. (5,323,989).**

Hamada et al. in figures 1-2, disclose an engine exhaust system for a vehicle, comprising: at least two flexible couplings at both end of flexible joints (20, 22) having elastic characteristics, positioned at two different locations in the exhaust system. Hamada et al. also disclose an intermediate component (14, 32) positioned between the at least two flexible couplings and having mass and a dynamic damper-is formed by virtue of the elastic characteristics and the mass. The elastic characteristics of the flexible couplings are being selected to optimized the resonant frequency of the dynamic damper.

Regarding claim 18, Hamada et al. disclose each of the upstream flexible coupling and the downstream flexible coupling including a spherical joint.

Regarding claim 19, Hamada et al. disclose an engine exhaust system to be positioned between an engine and a muffler (16) of a vehicle having a body. The system comprises an upstream (30) flexible coupling configured and arranged to be closer to the engine than to the muffler; a downstream (34) flexible coupling configured and arranged to be closer to the muffler than to the engine; an intermediate component (14, 20, 22) configured and arranged to be positioned between the upstream flexible coupling and the downstream flexible coupling. The intermediate component configured and arranged to be separated from the body of the vehicle; and a downstream component configured and arranged to be positioned between the downstream flexible coupling and the muffler, the downstream component configured and arranged to be mounted to the body of the vehicle. The upstream flexible coupling having a first elastic characteristic and the downstream flexible coupling having a second elastic characteristic. The first and second elastic characteristics being selected such that a resonant frequency of the section formed by the upstream flexible coupling, the downstream flexible coupling, and the intermediate component is lower than 20-30Hz (col. 4, lines 5-50).

Regarding claim 20, Hamada et al. disclose the intermediate component having a mass, which is selected such that a resonant frequency of the section formed by the upstream flexible coupling, the downstream flexible coupling, and the intermediate component is lower than 20-30Hz (col. 4, lines 5-50).

Allowable Subject Matter

4. Claims 2-3, 6-7, 10-12, 14-26 and 21-22 are allowed.

Response to Arguments

5. Applicant's arguments filed 5/14/2008 have been fully considered but they are not persuasive. In response to applicant's remark that resonant frequency of the section formed by the upstream flexible coupling, the downstream flexible coupling, and the intermediate component is lower than 20-30Hz. Clearly, this structure is *not* disclosed or suggested by the Hamada et al. patent or any other prior art of record. The examiner disagrees, because Hamada et al. disclose the intermediate component having a mass, which is selected such that a resonant frequency of the section formed by the upstream flexible coupling, the downstream flexible coupling, and the intermediate component is about 10-30Hz (col. 4, lines 5-50). The term "about", which can be considered from 10 to 20 or 20 to 30 or lower than 20-30 Hz. In response to applicant's remark that Hamada et al. does not disclose a spherical joint. The examiner disagrees, because Hamada et al. in figure 1, disclose two joints (20, 22) having a spherical ring (28), which can be considered spherical joint.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau V. Phan whose telephone number is 571-272-6696. The examiner can normally be reached on 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on 571-272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hau V Phan/
Primary Examiner, Art Unit 3618